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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOSEPH G. SIMMONS JR,

11 Plaintiff,

12 v.

13 DEBORAH J WOFFARD et al.

14 Defendants.

CASE NO. C11-5999-BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

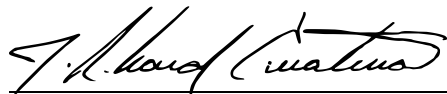
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16 This 42 U.S.C. §1983 civil rights action has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1,
18 MJR 3, and MJR 4. Plaintiff asks the Court to appoint counsel (ECF No. 21).

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court
21 may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
22 Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
23 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
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1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
2 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an ability to articulate his claims pro se. The Court notes that
4 plaintiff's complaint, his motion for injunctive relief, and the motion for appointment of counsel
5 each clearly articulated plaintiff's position (ECF No. 6,7, and 21). Further, given the early stage
6 of the proceedings, the Court is not in a position to determine plaintiff's chance of success on the
7 merits. For these reasons, plaintiff's motion for appointment of counsel is DENIED.

8 DATED this 19th day of March, 2012.

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11 J. Richard Creatura
12 United States Magistrate Judge
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